

MAYER UNIFIED SCHOOL DISTRICT NO. 43

P.O. Box 1059 - Red Brick Schoolhouse - Mayer, Arizona 86333
(928) 642-1000 - FAX (928) 632-4005



PATRICK M. DALLABETTA, Ed.D, *Superintendent*
ANNA PUETT, *Receptionist*
CINDY BLEVINS, *Payroll Specialist*
LYNN DRYE, *Business Manager*

High School (928) 642-1200
Junior High (928) 642-1200
Elementary (928) 642-1100

August 25, 2009

To: FCC - Office of the Secretary
445 12th Street SW
Washington, DC 20554

FILED/ACCEPTED

SEP 28 2009

Federal Communications Commission
Office of the Secretary

From: Jesus (Jesse) Bais
P.O. Box 1059
Mayer, Arizona 86333
Phone: (928) 533-6125
Fax: (928) 632-4005
E-mail: jbais@mayerschools.org

CC: 02-6

Subject: Letter of Appeal

Re: CC Docket 02-6
Form 471 Application Number: 486830
Funding Year: 2005
Applicant's Form Identifier: MUSD-INT
Billed Entity Number: 143200
FCC Registration Number: 0011793007
SPIN: 143004779
Service Provider Name: Network Infrastructure Corporation
Service Provider Contact Person: Carrie Jarecki

Please be advised that this is an appeal for the Administrator's Decision of Appeal - Funding Year 2005-2006, dated September 02, 2009.

I feel that when Mayer Schools and its representative at the time of this application were in compliance with the parameters that were in place at the time of application. I don't believe that Mayer Schools or the vendor would install and submit requisitions for payment without some type of approval from Universal Schools and Libraries Division. What has made this process difficult on our end is that the persons involved with the above referenced application are no longer employed by the school district, extensive research had to be accomplished on our end to find the documents associated with the E-Rate application that was submitted in February 2005.

Cyndi Beach was contacted after receiving the above reference letter and after talking with her, she indicated that she would try and find some type of paperwork that may have been submitted. I have not heard back from her as of this date.

The address of 17300 E. Mule Deer, Mayer, AZ 86333 is the old mailing address. The new one as cited above is;

Mailing address: P.O. Box 1059
Mayer, Az 86333

Physical address: 12606 E. Main Street
Mayer, AZ 86333

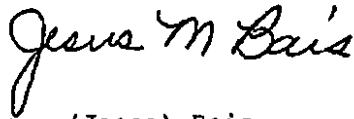
Please find attached the following documents related to the above referenced request:

- Attachment "A": An e-mail from ProgCompliancew@solixinc.com dating April 24, 2009 requesting availability.
- Attachment "B": An e-mail from jbais@mayerschools.org dated April 27, 2009 advising of availability.
- Attachment "C": An e-mail from ProgCompliancew@solixinc.com requesting information with a letter attached dated May 19, 2009.
- Attachment "D": An e-mail dated May 20, 2009 from jbais@mayerschools.org with a Certificate of Acceptance Between NIC and Mayer Schools, dated 02-05-2005.
- Attachment "E": An e-mail Dated May 27, 2009 with the same information as attachment "E" with the addition of the letter dated May 19. This letter was incorrectly marked on page 2, stating that the incorrect date was entered at the time the FCC form 471 was completed, that in fact should have been marked with a No.
- Attachment "F": A letter from USAC dated June 26, 2009 stating there was a violation of program rules.
- Attachment "G": E-mails to and from Cyndi Beach (dating between July 7 to July 22, 2009) (cbeach@usac.org) stating that we have 60 days to file an appeal.
- Attachment "H": Letter of Appeal dated August 25, 2009 with supporting documentation. On the Appeal letter attachment "A" has a January 6, 2006 date which is in error. That date should have been February 5, 2005. Attachment "B" of this same letter has the quotes from NIC that are dated 1-4-2005 and these quotes substantiate for fact that the attachment "A" has the wrong date. Attachment "C" shows that an extension was applied for on the e-rate project. Attachment "D" shows that the project extension was approved and that generated a new certificate of acceptance dated 12-27-2006.
- Attachment "I": Letter from USAC dated September 02, 2009 stating for the denial of our appeal due to postmarked a day late.

The above referenced attachments should provide a sufficient paper trail of all correspondence received and correspondence sent in response. We feel that all included documentation should clarify any issues that may have arisen from an audit. We did submit our Letter of Appeal dated August 25, 2009 on August 26, 2009 which was a day late. We feel that we did not ignore the deadline because we were in continuous contact with USAC about what documentation was being requested. Mayer Schools has and are submitting the above referenced paperwork to be in compliance with the parameters that were in place back in 2005.

We will wait for a decision on this appeal as this is holding up our current application for this year's funding. If I can be of any further assistance or if additional information is required, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Jesus M Bais".

Jesus (Jesse) Bais
IT Director
Mayer Schools

Cc: Carrie Jarecki
Network Infrastructure Corporation

Lynn Drye
Business Manager, Mayer Schools

File

attachments

Attachment “A”

Jesse Bais

From: ProgCompliance2 [ProgCompliance2@solixinc.com]
Sent: Friday, April 24, 2009 10:47 AM
To: Jesse Bais@1-(928) 6324005
Cc: jbais@mayerschools.org
Subject: ERate FY 2005 Form 471 # 486830 Request For Information - Initial Review RR

Importance: High

Dear Jesse Bais,

We are in the process of reviewing your Funding Year 2005-form 471 applications for schools and libraries discounts to ensure that they are in compliance with the rules of the Universal Service program. To complete my review I need some additional information. Please email/call/fax and let me know of your availability to help me in the review process.

Thank you for your cooperation and continued support of the Universal Service Program.

Sincerely,

Rajani Ram
Program Compliance
Tel # 973-581-5366
Fax# 973-599-6582
E-mail: rram@sl.universalservice.org

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Attachment “B”

Jesse Bais

From: Jesse Bais [jbais@mayerschools.org]
Sent: Monday, April 27, 2009 2:02 PM
To: 'ProgCompliance2'
Subject: RE: ERate FY 2005 Form 471 # 486830 Request For Information - Initial Review RR

That was prior to my being here. Let me know what you need and I will try to get that for you. I should be available for you when you need me.

Thanks Jesse

The information contained in or attached to emails is intended only for the use of the individual or entity to which it is addressed. If you are not the intended recipient, you are not authorized to and must not disclose, copy, distribute, or retain any message or any part of it. If you have received an email in error, please contact the sender and delete the material from any computer.

From: ProgCompliance2 [mailto:ProgCompliance2@solixinc.com]
Sent: Friday, April 24, 2009 10:47 AM
To: Jesse Bais@1-(928) 6324005
Cc: jbais@mayerschools.org
Subject: ERate FY 2005 Form 471 # 486830 Request For Information - Initial Review RR
Importance: High

Dear Jesse Bais,

We are in the process of reviewing your Funding Year 2005-form 471 applications for schools and libraries discounts to ensure that they are in compliance with the rules of the Universal Service program. To complete my review I need some additional information. Please email/call/fax and let me know of your availability to help me in the review process.

Thank you for your cooperation and continued support of the Universal Service Program.

Sincerely,

Rajani Ram
Program Compliance
Tel # 973-581-5368
Fax# 973-599-6582
E-mail: rram@sl.universalservice.org

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Attachment "C"

Jesse Bais

From: ProgCompliance2 [ProgCompliance2@solixinc.com]
Sent: Tuesday, May 12, 2009 11:40 AM
To: Jesse Bais@1-(928) 6324005
Cc: jlbais@mayerschools.org
Subject: ERate FY 2005 Form 471 # 486830 Request For Information - Initial Review RR
Attachments: Initial 0512.doc

Importance: High

Hello Jesse Bais,

Please refer to the attached letter. Please fax or email the requested information to my attention within 15 calendar days. In all correspondence, please make sure to include your full name and official title. Feel free to contact me with any questions you may have.

Thank you for your cooperation and continued support of the Universal Service Program.

Sincerely,

Rajani Ram
Program Compliance
Schools & Libraries Division
Tel # 973-581-5366
Fax # 973-599-6582
E-mail: rram@sl.universalservice.org

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Schools and Libraries Division

Date: May 19, 2009

MAYER UNIF SCHOOL DISTRICT 43

Jesse Bais

Telephone :

(928) 6421000

Fax :

(928) 6324005

Email :

jbais@mayerschools.org

Application Number

486830

Response Due Date: May 27, 2009

You were recently sent a written request for additional information needed by the Program Compliance team to review your Funding Year 2005 Form 471 application(s) to ensure that it(they) is(are) in compliance with the rules of the Universal Service program. This is a reminder that the response due date is approaching. To date, none of the requested information has been received. The information needed to complete the review is listed below.

As required by program rules, USAC must rescind your funding commitment dollars listed below for the FRN below. FCC rules require that a signed contract with the service provider be in place at the time of the submission of the FCC Form 471 certification. Therefore, the funding commitment dollars listed below will be rescinded for this FRN and we will seek recovery of any improperly disbursed funds for the amounts listed below:

FRN	Commitment to be Rescinded	Disbursed Funds to be Recovered
1351114	\$206,334.53	\$206,334.53

The rules of this program require that a signed contract with the service provider be in place at the time of the submission of the FCC Form 471 certification. Since the contract that you have provided is not dated, we are unable to determine the Contract Award Date ("CAD").

Please provide a copy of the full contract, signed by the applicant and dated, to verify the correct Contract Award Date ("CAD"). Failure to provide a signed and dated contract may be cause for denial.

If the contract is a State Master Contract, you do not have to submit a copy of the signed contract if that contract is available online or has already been submitted to PIA. Please provide us with the contract name and number of the State Master Contract. If you have already submitted the relevant contract information in connection with another review, please provide the FCC Form 471 application number involved so that we can locate the documentation in our files.

Is the Form 470 # 456290000510470 on your Form 471 application # 486830 the establishing Form 470 for services associated with Funding Request Number **FRN 1351114**? ☐ Yes or ☐ No.

If No, please provide the following information:

- Please provide the 15-digit Form 470 Number that established the bidding for the FRN. The establishing Form 470 is the specific Form 470, which was posted for that particular service for 28 days, and pursuant to which a contract was signed or an agreement was entered into. (If the Form 470 has not been certified please include a copy of the signed Form 470 Certification page with your response. Failure to provide a copy of the signed Form 470 Certification page will result in a denial of your funding request.)

If Yes, please provide the following information:

- You indicated the Contract Award Date (CAD) for service is 02/05/2005 for your FCC Form(s) 471 Block 5 Item 18, associated with Funding Request Number **FRN 1351114**. Was the incorrect date entered at the time the FCC Form 471 was completed? ____ Yes or ____ No.

If Yes, please provide the following information:

- The correct Contract Award Date.
- If your authorized representative completed the information in this document, please attach a copy of the letter of agency or another agreement between you and the consultant authorizing them to act on your behalf. If you receive assistance outside of your organization in responding to this request, please indicate this in your reply.

For further guidance regarding CADs, please refer to the Schools and Libraries Division website at: Step 4: Select a Service Provider at www.usac.org/sl/applicants/step04/default.aspx.

Please fax or email the requested information to my attention. If you have any questions, please feel free to contact me.

It is important that we receive all of the information requested so the Program Compliance team can complete its review. Please fax or email the requested information to my attention. If you have any questions, please feel free to contact me.

If we do not receive the requested information by May 27, 2009, your application(s) will be reviewed using the information currently on file; this may result in a commitment adjustment and/or recovery of previously disbursed funds.

Should you wish to cancel your Form 471 application(s), or any of your individual funding requests, please clearly indicate in your response that it is your intention to cancel an application or funding request(s), along with the Form 471 application number(s) and/or funding request number(s) and the complete name, title and signature of the authorized individual.

A copy of this correspondence is being forwarded to your State E-Rate Coordinator for informational purposes only.

Thank you for your cooperation and continued support of the Universal Service Program.

Thanks,

Rajani Ram
Program Compliance
Universal Services Administrative Company Schools & Libraries Division
Tel # 973-581-5366
Fax # 973-599-6582
E-Mail: rnam@sl.universalservice.org

Attachment “D”

Jesse Bais

From: Jesse Bais [jbais@mayerschools.org]
Sent: Wednesday, May 20, 2009 12:16 PM
To: 'ProgCompliance2'
Subject: RE: ERate FY 2005 Form 471 # 486830 RR Request For Information -Reminder!
Attachments: NIC_2005_Network_.pdf

Here is a document that I found. I hope that is what you need. I am told that we were audited for 2005 and Lynn Drye our Business manager thinks you should have all of the documents.

Thanks Jesse

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From: ProgCompliance2 [mailto:ProgCompliance2@solixinc.com]
Sent: Tuesday, May 19, 2009 7:08 AM
To: Jesse Bais@1-(928) 6324005
Cc: jbais@mayerschools.org; brett.hinton@azed.gov; Nesbitt, Krystal
Subject: ERate FY 2005 Form 471 # 486830 RR Request For Information -Reminder!
Importance: High

Hello Jesse Bais,

Please refer to the attached letter. Please fax or email the requested information to my attention within 15 calendar days. In all correspondence, please make sure to include your full name and official title. Feel free to contact me with any questions you may have.

Thank you for your cooperation and continued support of the Universal Service Program.

Sincerely,

Rajani Ram
Program Compliance
Schools & Libraries Division
Tel # 973-581-5366
Fax # 973-599-6582
E-mail: rram@sl.universalservice.org

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Recipient
'ProgCompliance2'

Read
Read: 5/21/2009 4:16 AM



Certificate of Acceptance

In compliance with the terms and conditions of the Proposal and Statement of Work, Quote Number 50171-01-01 dated 01/04/05, Mayer Unified School district hereby accepts the proposal contingent upon Schools and Libraries Division (SLD) funding approval.

Acknowledged
Network Infrastructure Corporation
1131 West Warner Road
Tempe, Arizona 85284

By: _____

Signature

Brent J. Grims

Print Name

Acct. Mgr.

Title

02/05/05

Date

Accepted
Mayer Unified School District
17300 E. Mule Deer Drive
Mayer, AZ 86333

By: _____

Signature

William J. Colwell

Print Name

Technology Dir.

Title

02/05/05

Date

Attachment “E”

Jesse Bais

From: Jesse Bais [jbais@mayerschools.org]
Sent: Wednesday, May 27, 2009 3:44 PM
To: 'ProgCompliance2'
Cc: 'rram@sl.universalservice.org'
Subject: RE: ERate FY 2005 Form 471 # 486830 RR Request For Information -Reminder!
Attachments: NIC_2005_Network_.pdf; Norep0519.doc

To the best of my knowledge that is the information that I have gotten for you. If you need anything else, please contact me.

Thanks Jesse

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Sent: Tuesday, May 19, 2009 7:08 AM
To: Jesse Bais@1-(928) 6324005
Cc: jbais@mayerschools.org; brett.hinton@azed.gov; Nesbitt, Krystal
Subject: ERate FY 2005 Form 471 # 486830 RR Request For Information -Reminder!
Importance: High

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Thank you for your cooperation and continued support of the Universal Service Program.

Sincerely,

Rajani Ram
Program Compliance
Schools & Libraries Division
Tel # 973-581-5366
Fax # 973-599-6582
E-mail: rram@sl.universalservice.org

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Recipient

'ProgCompliance2'

'ram@sl.universalservice.org'

Read

Read: 5/28/2009 5:44 AM

Read: 5/27/2009 5:54 PM



Schools and Libraries Division

Date: May 19, 2009

MAYER UNIF SCHOOL DISTRICT 43

Jesse Bais

Telephone :

(928) 6421000

Fax :

(928) 6324005

Email :

jbais@mayerschools.org

Application Number

486830

Response Due Date: May 27, 2009

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Is the Form 470 # 458290000510470 on your Form 471 application # 486830 the establishing Form 470 for services associated with Funding Request Number FRN 1351114? ☒ Yes or ☐ No.

If No, please provide the following information:

- Please provide the 15-digit Form 470 Number that established the bidding for the FRN. The establishing Form 470 is the specific Form 470, which was posted for that particular service for 28 days, and pursuant to which a contract was signed or an agreement was entered into. (If the Form 470 has not been certified please include a copy of the signed Form 470 Certification page with your response. Failure to provide a copy of the signed Form 470 Certification page will result in a denial of your funding request.)

If Yes, please provide the following information:

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If Yes, please provide the following information:

- The correct Contract Award Date.
- If your authorized representative completed the information in this document, please attach a copy of the letter of agency or another agreement between you and the consultant authorizing them to act on your behalf. If you receive assistance outside of your organization in responding to this request, please indicate this in your reply.

The contract award date was Feb. 05, 2005. The person of authority was William Colwell, IT director for Mayer Schools.

For further guidance regarding CADs, please refer to the Schools and Libraries Division website at: Step 4: Select a Service Provider at www.usac.org/sl/applicants/step04/default.aspx.

Please fax or email the requested information to my attention. If you have any questions, please feel free to contact me.

It is important that we receive all of the information requested so the Program Compliance team can complete its review. Please fax or email the requested information to my attention. If you have any questions, please feel free to contact me.

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Thank you for your cooperation and continued support of the Universal Service Program.

Thanks,

Rajani Ram
Program Compliance
Universal Services Administrative Company Schools & Libraries Division
Tel # 973-581-5366
Fax # 973-599-6582
E-Mail: ram@sl.universalservice.org



Certificate of Acceptance

In compliance with the terms and conditions of the Proposal and Statement of Work, Quote Number 50171-01-01 dated 01/04/05, Mayer Unified School district hereby accepts the proposal contingent upon Schools and Libraries Division (SLD) funding approval.

Acknowledged
Network Infrastructure Corporation
1131 West Warner Road
Tempe, Arizona 85284

By: _____

Signature

Brent J. Gross

Print Name

Acct. Mgr.

Title

02/05/05

Date

Accepted
Mayer Unified School District
17300 E. Mule Deer Drive
Mayer, AZ 86333

By: _____

Signature

William J. Colwell

Print Name

Technology Dir.

Title

02/05/05

Date

Attachment “F”